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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,072	08/31/2001	Tom R. Vandermeijden	3399P072	3009

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/945,072	Applicant(s) VANDERMEIJDEN, TOM R.	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/05, 12/05, 3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 12/19/2005. Claims 1-9 and 16-33 are pending. Claims 10-15 have been cancelled.

Response to Arguments

2. The arguments filed in the 12/19/2005 Remarks have been fully considered but they are not persuasive because of the following:

The applicant argues that claim 1 recites the feature of obtaining data associated with the telephone number via the wireless network **in response to an incoming voice call**. However, the claim does not recite that the call is an incoming call.

Regarding claim 1, the applicant argues on page 11 that Miyashita does not disclose that data associated with the telephone number is obtained and stored in the contact database automatically. Examiner disagrees with this argument. The examiner did not rely upon Miyashita for the teaching of obtaining data associated with the telephone number. The examiner relied upon Miyashita only for the teaching of storing **the data in the contact database** (page 2, paragraphs 0020, 0021) after Enzmann teaches that such data is retrieved according to the telephone number. Thus the examiner maintains the rejection of the claims in view of Enzmann and Miyashita.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-3, 5, 6, 8, 16-18, 20, 21, 23, 25-27, 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enzmann et al. (U.S. Patent No. 6,687,242) in view of Miyashita (U.S. Pub. No. 2002/0019225).

Regarding claims 1 and 16, Enzmann teaches receiving a telephone number associated with a voice call involving the subscriber's handset [i.e., mobile communication device] (fig.1; col.1, lines 36-40, col.3, lines 54-63).

Enzmann further teaches when a data connection is established between the subscriber's handset and a website [i.e., remote processing system] via the wireless network, then automatically obtaining information [i.e., data] associated with the telephone number via the wireless network (col.1, lines 36-50, col.2, lines 8-22, col.3, lines 28-53).

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However, it is not clear whether Enzmann teaches storing the data in the contact database. Miyashita teaches storing the directory data of records [i.e., data] in the storage unit [i.e., contact database] (page 2, paragraphs 0020, 0021) after Enzmann teaches that such data is retrieved according to the telephone number. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Enzmann to store the data in the contact database in association with the telephone number as taught by Miyashita. The motivation for the modification is to have doing so in order to retrieve contact information from the storage whenever a person needs to contact without any inconvenience.

Regarding claims 2, 17 and 26, Enzmann teaches receiving Caller-ID information including the telephone number and associated with an incoming call to the mobile communication device (col.1, lines 36-40, col.2, lines 8-22).

Regarding claims 3, 18 and 27, Enzmann teaches receiving a telephone number associated with an outgoing call being placed by a user of the mobile communication device (col.1, lines 36-40, col.2, lines 8-22).

Regarding claims 5, 20 and 29, Enzmann teaches a browser to allow a user of the mobile communication device to navigate hypermedia information, and wherein the obtaining the data associated with the telephone number via the wireless network is done automatically by the browser (col.1, lines 36-40, col.2, lines 8-22, col.3, lines 28-53).

Regarding claims 6, 21 and 30, Enzmann teaches automatically requesting the data associated with the telephone number from a remote server via the wireless network when the data connection is established (col.1, lines 48-67, col.2, lines 1-22, col.3, lines 28-53).

Regarding claims 8, 23 and 32, It is not clear whether Enzmann teaches the obtained data associated with the telephone number comprising name or address information associated with the telephone number. Miyashita teaches the obtained data associated with the telephone number comprising name or address information associated with the telephone number (page 2, paragraph 0020). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Enzmann to incorporate the obtained data associated with the telephone number comprising name or address information associated with the telephone number as taught by Miyashita. The motivation for the modification is to have doing so in order to keep record of additional information of a contact in storage of a user handset so that he can get the information whenever he needs to contact.

Regarding claim 25 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

6. Claims 4, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enzmann et al. (U.S. Patent No. 6,687,242) in view of Miyashita (U.S. Pub. No. 2002/0019225) further in view of Fleming, III (U.S. Patent No. 6,697,484).

Regarding claims 4, 19 and 28, Enzmann in view of Miyashita fails to teach “attempting to locate the data associated with the telephone number in the contact database, wherein said obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database”. Fleming teaches attempting to locate the alphanumeric identifier (i.e., data) associated with the telephone number in the memory (i.e., contact database), wherein the obtaining alphanumeric identifier (i.e., data) associated with the telephone number via the wireless network is performed only after failing to locate the

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alphanumeric identifier in the memory (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Enzmann in view of Miyashita to allow attempting to locate the data associated with the telephone number in the contact database, wherein the obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via the wireless network.

7. Claims 7, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enzmann et al. (U.S. Patent No. 6,687,242) in view of Miyashita (U.S. Pub. No. 2002/0019225) further in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 7, 22 and 31, Enzmann in view of Miyashita fails to teach "the obtained data associated with the telephone number is contained in a vCard". Ho teaches the obtained data associated with the telephone number is contained in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Enzmann in view of Miyashita to allow the obtained data associated with the telephone number is contained in a vCard as taught by Ho. The motivation for the modification is to have doing so in order to provide name and office telephone number.

8. Claims 9, 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enzmann et al. (U.S. Patent No. 6,687,242) in view of Miyashita (U.S. Pub. No. 2002/0019225) further in view of Armanto et al. (U.S. Patent No. 6,094,587).

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Regarding claims 9, 24 and 33, Enzmann in view of Miyashita fails to teach “the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call”. Armanto teaches the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call (col.4, lines 21-24, col.7, lines 36-47, col.8, lines 25-30, col.15, lines 28-33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Enzmann in view of Miyashita to allow the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call as taught by Armanto. The motivation for the modification is to have doing so in order to provide distinctive ringing tone for a particular person.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pappalardo et al. (U.S. 6,909,910) teach Method and system for managing changes to a contact database;

Mawell et al. (U.S. 6,668,055) teach Personalized assistance system and method;

Weyer et al. (U.S. 6,671,714) teach Method, apparatus and business system for online communications with online and offline recipients and

Keinonen et al. (U.S. 2002/0082054) teach Mobile emotional notification application.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

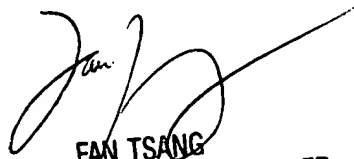
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

April 28, 2006


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